IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 5714 OF 2005
IN
FIRST APPEAL ST.NO.4421 OF 2002.

The State of Maharashtra. ... Applicant.
Versus.
Sunil Prabhakar Mulye. ... Respondent.

Shri Y.M.Nakhwa, A.G.P. for the Applicant.

CORAM : ABHAY S.OKA, J.

DATED : 28th February, 2007.

P.C.:

1. Heard the learned A.G.P. for the State.

2. The impugned Judgment and Award is in the nature of a money decree. Hence, unconditional stay cannot be granted.

3. The execution and operation of the impugned Judgment and Award will remain stayed till the final disposal of the First Appeal subject to condition of the Applicant depositing the entire amount due and payable as per the impugned Award with the Reference Court within a period of twelve weeks from today. If the deposit of entire amount is not made within stipulated time, the interim stay granted will stand forthwith vacated without further reference to the Court.

3. If the amount as aforesaid is deposited, the Claimant will be permitted to withdraw the said amount subject to furnishing adequate security for the said amount to the satisfaction of the Reference court. The Reference Court will hear the Applicant before accepting the security.

4. Civil Application is disposed of in above terms.

5. Liberty to the Respondent to apply for modification of this order as the same is passed without issuing notice of this Application.

Judge.